

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

CASE: 1:24-cv-20547-CMA

CARLOS BRITO,

Plaintiff,

v.

CHOPIN, LLC, and THE FANCY  
GOOSE GROUP LLC d/b/a LA  
FRESA FRANCESCA,

Defendants.

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**JOINT SCHEDULING REPORT**

Pursuant to Fed. R. Civ. P. 26(f), S.D. Fla. L.R. 16.1(b), and the Court's Order Requiring Scheduling Report [D.E. 5], the parties, Plaintiff CARLOS BRITO and Defendants, CHOPIN, LLC, and THE FANCY GOOSE GROUP LLC d/b/a LA FRESA FRANCESCA, submit this Joint Scheduling Report, which incorporates their Discovery Plan.

**I. PROPOSED DISCOVERY PLAN PURSUANT TO FED. R. CIV. P. 26(f)(3)**

**A. Changes in timing, form, or requirement for disclosures under Rule 26(a):**

The parties propose that initial disclosures shall be made no later than May 3, 2024. The parties do not propose any other changes in timing, form or requirements under Fed. R. Civ. P. 26(a).

**B. Subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or limited to or focused on particular issues:**

Subjects for discovery: ADA violations listed in the Complaint; ADA policies and procedures; financial information from the Defendants related to the readily achievable standard. The parties propose that all fact and expert discovery shall be completed by September 27, 2024.

The parties agree that discovery should not otherwise be conducted in phases.

**C. Any issues about disclosure or discovery of electronically stored information, including the form or forms in which it should be produced:**

All electronically stored information (“ESI”) shall be produced in searchable PDF format, unless another format (e.g., native format) is specified in the request pursuant to Fed. R. Civ. P. 34(b)(1)(C), in which case the ESI shall be produced in the format requested unless objected to under Fed. R. Civ. P. 34(b)(2)(D).

**D. Any issues about claims of privilege or of protection as trial-preparation materials, including—if the parties agree on a procedure to assert such claims after production—whether to ask the court to include their agreement in an order:**

None have been identified at this time.

**E. What changes should be made in the limitations on discovery under the federal and local rules:**

The parties do not propose any changes in the limitations on discovery under the federal or local rules.

**F. Other orders that the court should issue under Rules 26(c) or 16(b) and (c):**

The parties do not propose any other orders.

**II. REPORT OF PARTIES’ CONFERENCE PURSUANT TO LOCAL RULE 16.1**

**A. Likelihood of settlement:**

The parties believe settlement is likely and will continue to assess the matter and discuss settlement at appropriate times during the pendency of this action.

**B. Likelihood of appearance of additional parties:**

None.

**C. Proposed limits on the time:**

The parties estimate that trial will take no more than three days, and therefore this case should be assigned to an expedited track. The parties propose the following trial date and pretrial deadlines.

April 30, 2024	Selection of a mediator and scheduling of a time, date and place for mediation (30 days from deadline to submit Joint Scheduling Report)
April 15, 2024	Deadline to amend pleadings and join parties (60 days from deadline to submit Joint Scheduling Report)
July 19, 2024	Plaintiff shall disclose experts, expert witness summaries and reports, as required by Federal Rule of Civil Procedure 26(a)(2).
July 19, 2024	Defendants shall disclose experts, expert witness summaries and reports, as required by Federal Rule of Civil Procedure 26(a)(2).
August 16, 2024	The parties shall exchange rebuttal expert witnesses and reports, as required by Federal Rule of Civil Procedure 26(a)(2).
August 30, 2024	Completion of all discovery
October 25, 2024	Completion of mediation
November 22, 2024	Deadline for dispositive pre-trial motions and <i>Daubert</i> motions (which include motions to strike experts)
December 20, 2024	Deadline for submission of joint pre-trial stipulation, proposed jury instructions and verdict form, or proposed findings of fact and conclusions of law, as applicable (two (2) weeks before the trial date).
February 3, 2025	Trial

**D. Proposals for the formulation and simplification of the issues including the elimination of frivolous claims or defenses:**

The parties will attempt to eliminate unnecessary issues and proof and to narrow the issues for the Court's determination. At the present time, the parties have no concrete proposals to

recommend.

**E. The necessity or desirability of amendments to the pleadings:**

The parties do not, at this time, anticipate the need for amendments to the pleadings.

**F. The possibility of obtaining admissions of fact and of documents, electronically stored information or things which will avoid unnecessary proof, stipulations regarding authenticity of documents, electronically stored information or things, and the need for advance rulings from the Court on admissibility of evidence:**

The parties expect to be able to stipulate to certain facts and to the authenticity of documents, both of which will avoid unnecessary proof.

**G. Suggestions for the avoidance of unnecessary proof and of cumulative evidence:**

The parties have no special suggestions but will endeavor to concur in stipulations that will avoid the submission of unnecessary evidence.

**H. Suggestions on the advisability of referring matter to a magistrate judge or master:**

The parties agree to refer only discovery and non-dispositive motions to the Magistrate Judge.

**I. Preliminary estimate of time required for trial:**

The parties estimate this case will require 2-3 days to try.

**J. Requested date or dates for conferences before trial, a final pretrial conference, and trial:**

The proposed deadline for the pretrial conference is January 30, 2025. The proposed date for trial is February 3, 2025.

**K. Issues about (i) disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced; (ii) claims of privilege or of protection as trial-preparation materials, including -- if the parties agree on a procedure to assert those claims after production -- whether to ask the court to include their agreement in an order under Federal Rule of Evidence 502; and (iii) when the parties have agreed to use the ESI Checklist available on the Court's website ([www.flsd.uscourts.gov](http://www.flsd.uscourts.gov)), matters enumerated on the ESI Checklist:**

The parties have reached an agreement regarding the disclosure and discovery of

electronically stored information, as discussed above. The parties have not identified any issues relating to claims of privilege or of protection as trial-preparation materials. The parties have not agreed to use the ESI Checklist.

**L. Other information helpful to the Court in setting the case for status or pretrial conference.**

At this time the parties are unaware of any other information that might be helpful to the Court in setting the case for status of pretrial conference.

Dated: March 19, 2024

By: /s/ Beverly Virues

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